ANNUAL REPORT
2013

Office of the
Conflict of Interest
Commissioner
Paul D. K. Fraser, Q.C.

British Columbia

BRITISH COLUMBIA

Office of the Conflict of Interest Commissioner

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Annual Report 2013

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Conflict of Interest
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BRITISH
COLUMBIA

April 2014

The Honourable Linda Reid, MLA
Speaker of the Legislative Assembly
of British Columbia
Room 207, Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Madam Speaker,

It is an honour to present the Annual Report of the Office of the Conflict of Interest Commissioner for 2013.

This Report is submitted pursuant to section 15 of the *Members' Conflict of Interest Act*, Chapter 287 of the Revised Statutes of British Columbia.

Sincerely,

Paul D. K. Fraser, Q.C.
Conflict of Interest Commissioner

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COMMISSIONER'S MESSAGE

Paul D. K. Fraser, Q. C.

2013 was a year that, hopefully, will portend legislative amendments to this Province's *Members' Conflict of Interest Act* (the *Act*), based on the unanimous recommendations in the March, 2013 report of the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills. The links to the Committee's comprehensive and considered report are noticed in this report, together with links to submissions received by the Committee from interested observers and from this Office. I encourage all citizens interested in good governance to read these materials and join the conversation that surrounds the need to update our legislation.

While the *Act* has served the Province well and was an early model for other such legislation across the country, in my view it could benefit from the needed changes recommended by the Committee to fulfill the Office's supervisory disclosure mandate and bring more clarity to some of the existing obligations contained in the *Act*.

Amending what deserves to be treated as non-partisan legislation should be an easier task than enacting or enhancing partisan and often contentious existing laws. Yet, the valuable report of the same Standing Committee in 1999, which also yielded unanimous recommendations, failed to inspire any legislative change to the *Act*. It is my hope and determination that the 2013 Report of the Committee not suffer the same fate.

As in past years, this Annual Report begins with a discussion of the core provisions of the *Act* and the role of the Commissioner and the Office in advising and assisting the Members of the Legislative Assembly with an understanding of and compliance with the provisions of the *Act*. We also discuss, the manner in which disclosure information is made public and kept up to date, as well as the practice that is followed in providing confidential opinions to the Members and responses to requests for opinions received from members of the public. Thereafter, we refer to the performance statistics for the year and notable events and developments. Every attempt is made to use our website to inform citizens of our activities and interpretations of the duties and obligations contained within the *Act*.

I am grateful to the Members for their co-operation with the Office and to the public for their interest in our work.

OVERVIEW

Members of the Legislative Assembly are expected to act in the public interest at all times, and must not use their official position for personal gain or advantage.

Holding elected office is a public trust. The rules governing conflict of interest for Members are set out in the *Members' Conflict of Interest Act* (the *"Act"*) and ensure that those who are elected to public office are held to high standards of conduct. The *Act* is annexed to this Report as Appendix A.

A "conflict of interest" arises when a Member's duty to act in the public interest is or may be affected by his or her private interests. In most cases, a "private interest" will be pecuniary in nature. However, a private interest can also be non-pecuniary, providing it confers a real and tangible benefit on the Member.

Members must avoid both actual and apparent conflicts of interest, and must arrange their private affairs to prevent such conflicts from arising. Members are required to resolve any conflicts which do arise promptly and transparently.

In addition to the general prohibition against actual or apparent conflicts of interest, Members must not:

> Use **insider information** (s. 4)
>
> *A member must not use information that is gained in the execution of his or her office and is not available to the general public to further or seek to further the member's private interest.*
>
> Use their **influence** inappropriately (s. 5)
>
> *A member must not use his or her office to seek to influence a decision, to be made by another person, to further the member's private interest.*
>
> Accept **extra benefits** (s. 7)
>
> *A member must not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office.*

THE COMMISSIONER'S ROLE

The Conflict of Interest Commissioner is an independent, non-partisan Officer of the Legislative Assembly who is responsible for impartially administering the *Members' Conflict of Interest Act*.

In British Columbia, as in most parliamentary democracies, there are several Statutory Officers of the Legislature (such as the Auditor-General) whose work is essential to ensure accountability and promote good governance. However, the Conflict of Interest Commissioner is the only Officer of the *Legislative Assembly*. This is an important distinction.

The "legislature" is understood to be the Queen's representative acting on the advice of the legislative body. Officers of the Legislature are responsible for holding the government accountable to the citizens of the province in the exercise of the government's legislative functions. In contrast, the Legislative Assembly is the body of MLAs standing on its own. The Conflict of Interest Commissioner is dedicated exclusively to the service of the Legislative Assembly itself in respect of Members' conduct expectations and discipline. As a result, the records contained in our Office remain confidential as part of the legislative privilege which we enjoy as a matter of law.

The Commissioner has **three primary roles**:

Provide Advice and Opinions	• Provide confidential advice to Members about their obligations under the *Act*
Oversee Disclosure Process	• Meet with each Member at least annually to review the disclosure of the Member's financial interests
Respond to Allegations	• Respond to requests for opinions regarding compliance and/or allegations of contraventions of the *Act*, and conduct an Inquiry if warranted

Under section 14 of the *Act*, the Commissioner holds office for a term of five years and may be reappointed for a further term or terms. On February 13, 2013, an all-party Special Committee unanimously recommended to the Legislative Assembly that Paul D.K. Fraser, Q.C., first appointed as the Conflict of Interest Commissioner in 2008, be reappointed for a second five year term.

ADVICE AND OPINIONS

The focus of the Commissioner's work is to help Members understand their obligations under the *Act* and provide guidance to prevent conflicts of interest from arising or persisting.

Arguably, the Commissioner's most important function is his **advisory role**. It is imperative that Members feel comfortable approaching the Commissioner with questions before taking a course of action that could lead to suggestions of impropriety. This proactive approach has served both Members and the public well, as confidence in elected officials and the political system as a whole is increased when conflicts of interest can be identified and avoided.

Under s. 18 of the *Act*, Members may request that the Commissioner provide a formal written opinion on a conflict of interest matter, and are encouraged to do so if in any doubt about their obligations under the *Act*. This advice remains confidential unless the Member decides to release it. The Commissioner is also available to provide confidential oral advice to Members.

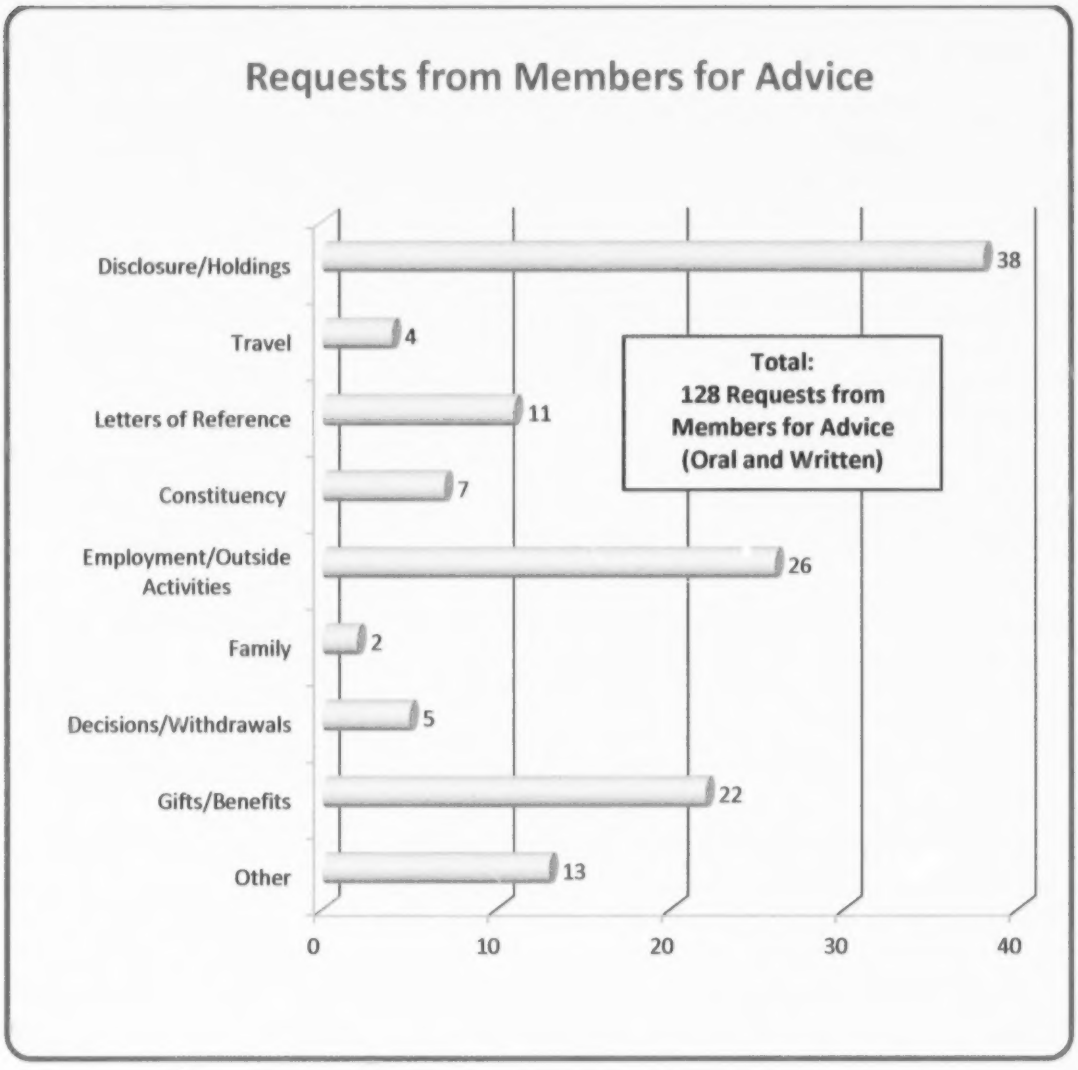
If the Commissioner determines that a Member has or may have a conflict of interest, he can make recommendations and specify a timeframe for compliance.

Time to Respond to Requests from Members for Advice

Median	Average
1 business day	3 business days

Our Office receives a great variety of requests for advice from Members and their staff. Some requests are informal and do not proceed beyond the initial phone call or email to the Commissioner. Others are more substantial and may involve multiple communications back and forth with the Member, require background research, and result in a written response.

A breakdown by topic of the requests for advice received in 2013 is shown below:



In addition to responding to requests for advice in relation to specific matters, we frequently provide general information to Members about their obligations and provide assistance with disclosure, reporting and procedural matters. The Commissioner also engages in numerous outreach interactions and exchanges with Members throughout the year. From time to time, prospective candidates for provincial office seek information about their obligations should they be elected.

DISCLOSURE PROCESS

Within 60 days of being elected, and annually thereafter, each Member must file a confidential disclosure statement with the Commissioner.

Meeting with the Commissioner

Every Member must, within 60 days of being elected, and after that annually, file with the Commissioner a **Confidential Disclosure Statement** ("CDS") which contains a statement of the nature of the assets, liabilities and financial interests belonging to the Member and his or her spouse. Separate disclosure forms are required if the Member has any minor children, and if the Member, his or her spouse or minor child, has a controlled private corporation. The content of the CDS is proscribed by the regulation to the *Act*. Members' completed CDSs remain securely and exclusively with our Office.

A key difference between British Columbia and many other jurisdictions is that under British Columbia's legislation, disclosure statements are qualitative rather than quantitative. That is, Members must disclose the *nature* of the assets, liabilities, and financial interests, not the value nor the amount or the worth of those interests.

Once the Member's confidential disclosure forms have been received and reviewed by our Office, a meeting between the Member and the Commissioner is arranged. At the meeting, the Commissioner reviews the Member's disclosure statements with the Member to ensure accuracy and to discuss any questions or concerns. This annual meeting also provides an opportunity for the Commissioner to identify and resolve any potential conflicts of interest and to ensure that Members have arranged their private affairs in accordance with the *Act*.

In 2013, as a provincial election was held on May 14, new and returning Members were required to file a CDS within 60 days of being elected. Disclosure meetings were held in Victoria and Vancouver from August to November.

Public Disclosure Statement

Once the contents of the confidential disclosure statements have been finalized and acknowledged to be accurate, **Public Disclosure Statements** ("PDS") are prepared by our Office.

The PDS contains most, but not all, of the information contained in the Member's confidential disclosure statement, as well as a statement of any gifts or benefits that have been disclosed to the Commissioner since the Member's last filing. Certain information is excluded from the PDS, such as the Member's residential address and other personal information.

Members' PDSs are all filed together on the same date with the Clerk of the House, where they are available for public inspection. Members' 2013 PDSs were filed with the Clerk on November 29, 2013.

Ongoing Disclosure Obligations

Material Changes

After Members have filed their annual confidential disclosure statements, they have an ongoing obligation to report any material changes to their financial interests within **30 days** of the change occurring.

> *A **"material change"** is defined as an acquisition or disposition, whether in whole or in part, occurring after the Member has filed a disclosure statement, of any asset, liability, financial interest or source of income by the Member, his or her spouse or minor children, or a private corporation controlled by any of them, if the change or event would reasonably be expected to have a significant effect on the information previously disclosed.*

After reviewing the Member's material change form, our Office prepares a Notice of Material Change which is then filed with the Clerk of the Legislative Assembly, where it is filed with the Member's most recent PDS. A copy of the Notice is also sent to the Member.

Gifts and Personal Benefits

Members are prohibited from accepting gifts or personal benefits in connection with the performance of their official duties. However, there is an exception for gifts or personal benefits received "as an incident of protocol or social obligations". In most cases this means a token expression of appreciation or complimentary hospitality in the context of some official interaction.

Before accepting a gift, Members must consider whether accepting the gift would - or would appear to - place the Member under an obligation to the donor.

Members are required to disclose and provide details of any gifts or personal benefits they have received if the value of the gift exceeds **$250,** or if the combined value of multiple gifts from the same donor exceeds $250 in a twelve month period. A summary of gifts received is included in the Member's PDS.

ALLEGATIONS CONCERNING MEMBERS

British Columbia is one of the few jurisdictions in Canada where members of the public may request the Commissioner's opinion regarding a Member's compliance with the *Act*.

The *Members' Conflict of Interest Act* concerns itself with the specialized issues of real and apparent conflict of interest. The policy of the *Act* is to ensure that Members do not advance (or are not perceived to advance) their private interest or use their office for their own private gain.

Under section 19 of the *Act*, the Commissioner may provide an opinion about a Member's compliance with the *Act* or section 25 of the *Constitution Act* in response to a request from a member of the public, a Member of the Legislative Assembly or Executive Council, or the Legislative Assembly. The Commissioner has considerable discretion in the manner in which he conducts his inquiries.

Typically, when concerns about a Member's compliance are brought to his attention, the Commissioner first gathers information informally to determine if there are reasonable and probable grounds to support the allegations. The Commissioner then determines whether to proceed to the formal Inquiry stage or dismiss the allegations as unwarranted.

If a Member is found in contravention of the *Act,* the Commissioner may recommend a penalty. Possible penalties include a reprimand, suspension, fine of up to $5,000, or a declaration that the Member's seat be declared vacant until an election is held in the Member's electoral district. While the Commissioner may recommend penalties against a Member, it is up to the Legislative Assembly to accept or reject the recommendation.

Formal Requests for Opinions (s. 19)	
From MLAs	0
From public (jurisdictional)	3
From public (non-jurisdictional)	10
TOTAL	**13**

PUBLICLY RELEASED OPINIONS

Formal opinions issued under sections 18 and 19 of the *Act*

Opinion Concerning Eric Foster, MLA
January 25, 2013

In March 2012, Mr. Eric Foster, MLA (Vernon-Monashee) advised the Commissioner that he had leased new premises for his constituency office. The company that owned the building in which the premises were located was owned by his constituency assistant's inlaws. Mr. Foster requested that the Commissioner provide a confidential opinion under section 18 about whether the circumstances of the lease gave rise to a conflict or apparent conflict of interest.

The Commissioner concluded that neither Mr. Foster's private interest nor that of his constituency assistant was furthered by the lease arrangements. Accordingly, no conflict or apparent conflict of interest arose under the *Act*.

On January 8, 2013, in response to a request from a media outlet in Victoria, Mr. Foster chose to waive confidentiality and release a copy of the Commissioner's opinion. He also consented to posting the letter on the Office of the Conflict of Interest Commissioner's website.

The then Leader of the BC Conservative Party, Mr. John Cummins, subsequently requested that the Commissioner "re-open his investigation" of the matter. In his response to Mr. Cummins, the Commissioner clarified that there was in fact no "investigation" to reopen, as the matter came to him as a request for a confidential opinion under subsection 18(1) of the *Act*. The provision of that opinion triggered subsection 18(5), which provides that if the Commissioner determines that a Member has not contravened the *Act*, that determination is final for all purposes of the *Act* so long as the facts presented by the Member were accurate and complete.

The Commissioner determined that Mr. Cummins had not provided new information that warranted disturbing the finality of his opinion. He noted that the *Act* is not a vehicle for the Commissioner to undertake an investigation about whether a particular expenditure of constituency funds was too high, or received sufficient management scrutiny. These types of issues are properly governed by the administration rules of the Legislature and do not fall within the jurisdictional scope of the *Act*.

Opinion Concerning the Honourable Christy Clark, Premier
April 10, 2013

In November 2012, Mr. John van Dongen, MLA (Abbotsford South), requested the Commissioner's opinion about the conduct of Premier Christy Clark when, in 2003, she was Deputy Premier and Minister of Education. Shortly after Mr. van Dongen made his request public (and without raising his concern with the Commissioner), he advised the media that he had an apprehension of bias on the part of the Commissioner as a result of a familial connection of the Commissioner's. Given the importance of perception in providing an opinion in which the public and legislators could have confidence, the Commissioner recused himself from any further involvement in the matter, and retained Mr. Gerald L. Gerrand, Q.C. to deal with Mr. van Dongen's complaint. Mr. Gerrand at the time was the Conflict of Interest Commissioner for the Northwest Territories and the former Conflict of Interest Commissioner for Saskatchewan. Mr. Gerrand's Opinion was released on April 10, 2013 and is available on our Office's website. www.coibc.ca.

Opinion Summary

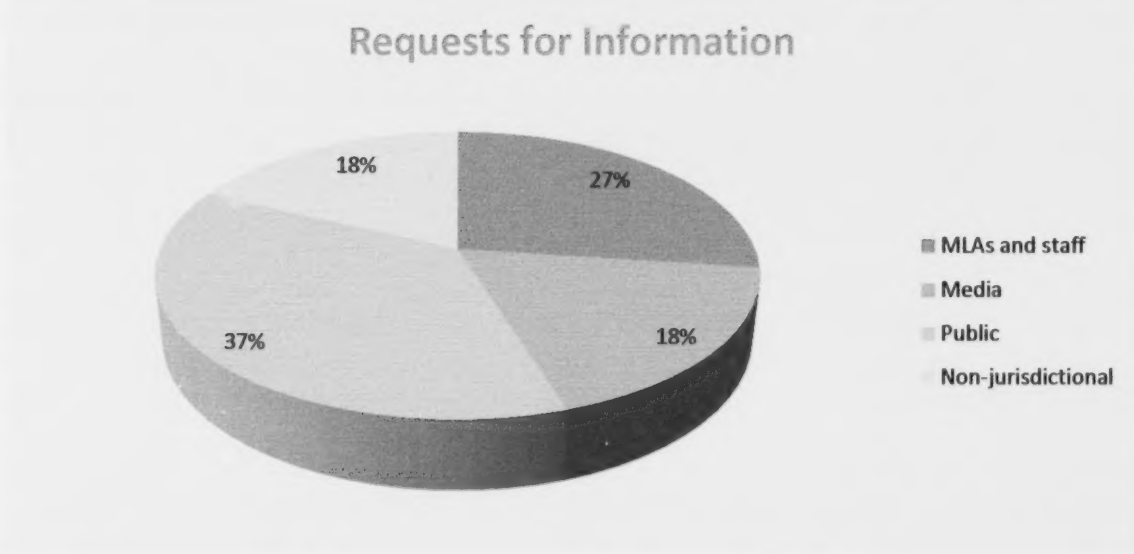
In mid-2003, the Government of British Columbia announced its intentions to privatize BC Rail. Ms. Clark recused herself from the final Cabinet meeting considering the BC Rail transaction in November, 2003 as well as from voting on it in the Legislative Assembly in December, 2003. Based on these recusals, Mr. van Dongen alleged that she must have been in a conflict of interest position at an earlier point in time, and therefore breached the *Act* by failing to recuse herself from previous cabinet discussions on BC Rail. He also believed that she had been representing the interests of one of the bidders and may have passed confidential information to lobbyists representing that bidder.

Mr. Gerrand's inquiry discovered that in late October 2003, Ms. Clark became aware her then husband had a contract with a company which was providing strategic advice to the government in relation to the BC Rail transaction. Although there was no connection between her husband's work and the BC Rail file and no opportunity to advance her private interest, Ms. Clark withdrew "out of an abundance of caution" on the advice of the Conflict of Interest Commissioner of the day, the Honourable H.A.D. Oliver, Q.C. Mr. Gerrand confirmed that her voluntary recusal was not required under the *Act*, as there was no conflict or apparent conflict of interest. He also found that there were no grounds to support the allegation that Ms. Clark had been involved in any wrongdoing in relation to the bidding process.

COMMUNICATIONS, OUTREACH AND EDUCATION

The Commissioner and staff engage in a variety of communications, outreach and education activities

Throughout the year, our Office responds to many requests for general information from Members, their staff, the media and the general public. When we receive requests that relate to matters beyond the Commissioner's jurisdiction, we do our best to refer individuals to the appropriate agency.



Time to Respond to Requests		
	Median	Average
General Information	Same day	Same day
Advice – Oral and Written (s. 18)*	1 business day	3 business days
Formal Requests for Opinions (s. 19)	2 business days	4 business days

Outreach and Other Activities

The Commissioner appreciates the opportunity to explain the work of the Office to interested organizations, associations, educational institutions or individuals. Again this year, this activity has included speaking to university students and participating in the deliberations of the Canadian Conflict of Interest Network (CCOIN), an organization that brings together Commissioners and professional colleagues from all the parliamentary and legislative jurisdictions in Canada. In 2013, the annual CCOIN Conference was held in Ottawa, Ontario from September 4-6. Delegates from across the country discussed managing investigations, blind trusts and working with legislatures, among other topics. The Honourable Ed Broadbent, former leader of the federal NDP and Chair of the Broadbent Institute, shared his views on ethics and conflict of interest issues.

Each year the Commissioner meets with Legislative Interns who have been selected for the BC Legislative Internship Program. The Program has been sponsored for more than 35 years by the Legislative Assembly and the exchange is a valuable experience for both the Interns and the Commissioner. In 2013, the Commissioner also had an opportunity to meet with Legislative Interns from Washington State in conjunction with the Program.

From time to time, the Commissioner issues interpretive memos and other publications which provide guidance on specific conflict of interest issues. Topics have included writing letters of reference, accepting gifts, post-employment issues, and accepting complimentary tickets and memberships. Such publications are sent to all Members, as well as being posted on the Office's website.

In recent years, the Office has made several improvements and updates to our website. In addition to providing general information about the Office and the role of the Commissioner, Members' blank disclosure forms are accessible as are all previous annual reports, ethics bulletins, publicly released opinions and news releases.

EVENTS OF NOTE IN 2013

Recommendations to Amend the Act

In spring and summer 2012, the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills (the "Committee") reviewed the *Members' Conflict of Interest Act*. As the last comprehensive review of the legislation took place over a decade previously, there was a great deal for the Committee to consider in its deliberations. As part of its review, the Committee held public consultations and heard presentations from expert witnesses, including the Commissioner. Our Office had the opportunity to present to the Committee and offer our suggestions for possible amendments to the *Act*.

On May 2, 2012, the Commissioner appeared before the Committee as the first witness for the statutory review and presented a written submission focussing on four main areas of potential reform (ethical conduct, plenary jurisdiction, application of the *Act* to other "public office holders", and post-employment matters). A further written submission, canvassing several more specific topics for the Committee's consideration, was submitted on May 31, 2012. At the Committee's request, the Commissioner presented his recommendations for specific amendments and appeared before the Committee again on July 31, 2012. Links to the Committee's hearings are available at http://www.leg.bc.ca/cmt/39thparl/session-5/parref/index.htm. Links to the submissions prepared by our Office to the Committee are available on our website, www.coibc.ca.

The Committee issued its Report on March 14, 2013, making a total of 34 recommendations designed to modernize and enhance the *Act* and role of the Commissioner. The Committee's full report is available at http://www.leg.bc.ca/cmt/39thparl/session-5/parref/index.htm. A summary of the Committee's recommendations are included in Appendix B. Almost all of the Commissioner's recommendations are reflected in the Committee's report, the most significant of which are outlined on the following pages.

Ethics and Integrity

Most jurisdictions in Canada now include Members' integrity and ethical behaviour in some manner or another in their legislation. British Columbia is one of the few jurisdictions which does not.

As it stands, there is no recourse when a Member's conduct is ethically questionable but does not breach an existing provision of the *Act*. As noted by former Commissioner Hughes, "conflict of interest is a matter of ethics but not all matters of ethics relate to conflict of interest". We recommended that the *Act* be revised to articulate standards of ethical conduct that encompass matters beyond pure conflict of interest, and include a mechanism to hold Members accountable to those standards.

The Committee agreed that a provision similar to s. 75 of the Northwest Territories *Legislative Assembly and Executive Council Act* be included in British Columbia's *Act*. Such a provision would require a Member to: (a) perform his or her duties of office with honesty and arrange his or her private affairs in such a way as to maintain and enhance public confidence and trust in the integrity and ethical conduct of the member; (b) arrange his or her private affairs and act generally to prevent any conflict of interest from arising; and (c) make all reasonable efforts to resolve any conflict of interest that may arise in favour of the public interest.

Jurisdiction Over Other Public Office Holders

British Columbia's legislation applies exclusively to Members of the Legislative Assembly. However, other senior government officials are also privy to confidential information and may potentially exert influence over policy decisions and legislative initiatives. Accordingly, we suggested that the Committee consider whether political staff such as Ministerial Assistants, Chief of Staff in the Office of the Premier, Deputy Ministers and CEOs of Crown Corporations and/or Agencies should also be subject to the *Act* in some fashion. The Committee heard from others who suggested that municipal officials should also come under the Commissioner's purview.

The Committee concluded that the *Act* should be amended to include some provision for Deputy Ministers, Assistant Deputy Ministers, Ministerial Assistants, and any other members of a Minister's staff who have routine access to cabinet documents and other sensitive ministry information. The Committee determined that these unelected public office holders should be subject to some oversight, but not be required to follow the same statutory guidelines as that of Members. For example, they could be required to file a signed statement with the Commissioner affirming that they have reviewed the *Oath of Employment* and the *Standards of Conduct* and agree to be bound by them. The Committee also endorsed granting the

Commissioner the power to receive complaints, conduct investigations, and impose sanctions for breaches of the Oath of Employment and/or Standards of Conduct.

The Committee did not endorse extending the Commissioner's jurisdiction to include CEOs of Crown Corporations or municipal officials.

Confidentiality/Legislative Privilege

The Conflict of Interest Commissioner is erroneously identified as an Officer of the Legislature in the *Freedom of Information and Protection of Privacy Act (FOIPPA)*. However, as an Officer of the Legislative Assembly, the Commissioner's documents are clothed with an absolute legislative privilege and as such are not subject to demands or requests under *FOIPPA*. Accordingly, we recommended amending the *Act* and *FOIPPA* to remove any confusion in this regard, as well as including a section stipulating that information brought to the Commissioner's Office must remain confidential. The Committee agreed with these recommendations.

Disclosure

Several proposed amendments related to disclosure obligations and reporting.

For the past few years, our Office has been steadily working to replace the paper-based disclosure filing system with an electronic one. The Committee recommended that the *Act* be amended to give the Commissioner explicit authority to direct the manner of disclosure to allow for mandatory electronic filing.

In a similar vein, given advances in technology and the general trend towards greater transparency, we recommended that the *Act* require Members' Public Disclosure Statements (PDSs) to be posted online. Currently, Members' PDSs are filed with the Clerk of the Legislative Assembly and are made available for public inspection. The Committee agreed that online access would increase openness and transparency.

The Committee also agreed that the *Act* should be amended to require all Members to submit an end-of-term or "exit" disclosure statement to the Commissioner upon leaving office. The reason for this proposed amendment is that depending on the timing of a Member's departure from office, his or her disclosure statement could be several months out of date.

Mandatory Review of the *Act*

Given that reviews of the *Act* have been few and far between, the Committee agreed with our recommendation that a mandatory review of the *Act* be required every seven years.

Jurisdiction over Former Members

The current *Act* only applies to sitting Members. Accordingly, if a Member resigns or is defeated in an election during the course of an inquiry, the Commissioner does not have jurisdiction to continue the inquiry.

The Committee agreed that the Commissioner should be allowed to continue an inquiry after a Member ceases to hold office, and to commence an inquiry involving a former Member within one year of the person ceasing to hold office.

Provincial Election

As a result of a general election held on May 14, 2013, 32 new Members joined the Legislative Assembly. Under s. 16(1) of the *Act,* every Member must file a Confidential Disclosure Statement with the Commissioner within **60 days** of being elected and annually thereafter.

While returning Members were able to simply update their 2012 disclosure statements, many new Members submitting detailed statements for the first time required procedural assistance from our Office staff throughout the disclosure process.

The Commissioner and staff were pleased to welcome the new Members and assist them to understand their obligations under the *Act.* This included giving presentations to the party caucuses, participating in a special orientation for new Members with the other statutory officers in July, and meeting individually with Members to answer specific questions.

PRIORITIES FOR 2014

Amendments to the *Act*

As noted earlier, the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills issued its report in March 2013, and unanimously made several recommendations for amending the *Act*. We remain hopeful that all of the recommendations will become amendments to the *Act* in legislation to be introduced and passed in 2014.

Projects

Online Disclosure Project

The enhancement planned for 2013 (hosting the Members' forms and Public Disclosure Statements on a secure network) was implemented on a phased, trial basis. Members' forms were posted on the network. Members accessed the network, then simply updated their previous year's information, and submitted the forms through the network. While minor technology challenges were encountered by some, the majority of Members found the process quick and easy.

Opinions Database Project

Work continues on this extensive project encompassing over 1,500 opinions in several databases. The largest and most-used database has been reviewed, audited, updated, and enhanced to make searching and retrieving much simpler.

Updating Office Technology Project

Much work was done on this project in 2013. The Office continues to increase efficiency by streamlining and further refining its administrative procedures. Computer and paper documents were organized and archived to increase efficiency.

Meeting with Colleagues

The next meeting of CCOIN members will be held in Winnipeg, Manitoba in September 2014. The Commissioner looks forward to meeting with his counterparts from across the country, as it is an invaluable opportunity to exchange information and learn about best practices and developments in other jurisdictions.

BUDGET AND FINANCIAL INFORMATION

The Select Standing Committee on Finance and Government Services ("the Committee") has the responsibility for considering and making recommendations to the Legislative Assembly on the budgets of this Office.

Summary

For fiscal year 2013/14, we received a budget appropriation of $510,000. The actual total cost of our operations for the year was $537,350. A number of factors contributed to the budget overage, including:

- expenses related to preparing an Opinion in response to a formal complaint against the Premier that required ad hoc legal service expenses as well as an increase in the time spent by existing contractors in the office;
- an increase in clerical processing hours arising from the provincial election in May 2013. Our workload increased significantly as we assisted the large number of first-time Members unfamiliar with the disclosure process; and
- an increase in benefits costs.

Our Budget Proposal for 2014/15 – 2016/17, presented to the Committee on December 5, 2013, sought an annual budget of $567,000. The increase of $57,000 was proposed primarily to address staffing needs, employee benefits, inflation and professional services costs. In its Report dated December 2013, the Committee recommended an operating budget of $567,000 in each of the next three fiscal years.

ACKNOWLEDGEMENTS AND APPRECIATION

We look forward to our continuing work in the service of the public and the Legislative Assembly of British Columbia.

Office Colleagues

Linda Pink, Executive Coordinator

Ms. Pink has been the operational manager of the Office since November, 2012. Her experience in senior administrative positions within the public service informs her work and benefits the Office. She is well known and highly regarded within the Legislative precinct as a wise and helpful colleague possessed of both common sense and a friendly manner. We are fortunate to have Linda as our administrative leader.

Alyne Mochan, Legal Officer

Ms. Mochan has been our talented and diligent Legal Officer since 2011. She deserves most of the credit for preparing our submissions to the Standing Committee on potential amendments to the *Act*. She is an important member of our team, as well as a valuable resource for the work of CCOIN – where she has earned the respect and gratitude of our colleagues around the country.

Amber Derricourt, Administrative Assistant

Ms. Derricourt is the very able public voice and face of the Office – dealing on a daily basis with enquiries about our work from members of the public and MLAs. Her engaging manner and always pleasant disposition enhances the value she adds to our work.

Corey Ulmer, Projects Officer

Ms. Ulmer has been our Projects Officer since 2011 and has lead a variety of changes to our technical support systems. As a result of her good work, our ability to create, store and retrieve information has steadily improved. So too has our ability to deliver enhanced services to the public and MLAs.

Acknowledgements

As an election year, 2013 was a busy one for Members. We appreciated the cooperation received from all Members during the disclosure process, particularly those who were newly elected and adjusting to their new responsibilities. We would also like to acknowledge the assistance of Members' office staff, who helped arrange disclosure meetings and provided the Office with the information and filings required by the *Act*.

Technical support to our Office is provided by the Legislative Assembly Information Technology Branch (LAITB). Many thanks to the LAITB staff for their expert advice and assistance with our day to day technology needs, as well as support for our ongoing projects. We are also grateful to the Ministry of Finance (Corporate Financial Services and Facilities Branch) which provides financial services assistance, and to the Speaker and the Clerk of the House and their respective Offices, as well as the Caucus Chairs and their assistants.

APPENDICES

A: *Members' Conflict of Interest Act*

B: Excerpt from the Report of the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills, March 2013: Summary of Recommendations to amend the *Members' Conflict of Interest Act*

APPENDIX A

MEMBERS' CONFLICT OF INTEREST ACT

MEMBERS' CONFLICT OF INTEREST ACT

[RSBC 1996] CHAPTER 287

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Definitions

1 In this Act:

"child" includes a person to whom a member has demonstrated a settled intention to treat as a child of his or her family;

"commissioner" means the person appointed under section 14;

"member" means a member of the Legislative Assembly or of the Executive Council, or both;

"private corporation" means a corporation, all of whose issued and outstanding securities are subject to restrictions on transfer and are beneficially owned directly or indirectly by not more than 50 persons;

"private interest" does not include an interest arising from the exercise of an official power or the performance of an official duty or function that

(a) applies to the general public,

(b) affects a member as one of a broad class of electors, or

(c) concerns the remuneration and benefits of a member or an officer or employee of the Legislative Assembly;

"spouse" means a person who is married to a member or a person who is living with a member in a marriage-like relationship, but does not include a person who is separated and living apart from a member and who

(a) has entered into a written agreement under which they have agreed to live apart, or

(b) is subject to an order of the court recognizing the separation.

Conflict of interest

2 (1) For the purposes of this Act, a member has a conflict of interest when the member exercises an official power or performs an official duty or function in the execution of his or her office and at the same time knows that in the performance of the duty or function or in the exercise of the power there is the opportunity to further his or her private interest.

(2) For the purposes of this Act, a member has an apparent conflict of interest if there is a reasonable perception, which a reasonably well informed person could properly have, that the member's ability to exercise an official power or perform an official duty or function must have been affected by his or her private interest.

Conflict of interest prohibition

3 A member must not exercise an official power or perform an official duty or function if the member has a conflict of interest or an apparent conflict of interest.

Insider information

4 A member must not use information that is gained in the execution of his or her office and is not available to the general public to further or seek to further the member's private interest.

Influence

5 A member must not use his or her office to seek to influence a decision, to be made by another person, to further the member's private interest.

Activities on behalf of constituents

6 This Act does not prohibit the activities in which members normally engage on behalf of constituents.

Accepting extra benefits

7 (1) A member must not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office.

(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(3) If a gift or personal benefit referred to in subsection (2) exceeds $250 in value, or if the total value received directly or indirectly from one

source in any 12 month period exceeds $250, the member must immediately file with the commissioner a disclosure statement, in the form prescribed by the regulations, indicating

(a) the nature of the gift or benefit,

(b) its source, and

(c) the circumstances under which it was given and accepted.

Former members of Executive Council and former parliamentary secretaries

8 (1) The Executive Council, a member of the Executive Council or an employee of a ministry other than an employee of an agency, board or commission, must not knowingly

(a) award or approve a contract with, or grant a benefit to, a former member of the Executive Council or former parliamentary secretary, until 24 months have expired after the date when the former member of the Executive Council or former parliamentary secretary ceased to hold office,

(b) award or approve a contract with, or grant a benefit to, a former member of the Executive Council or former parliamentary secretary who has, during the 24 months after the date when the former member of the Executive Council or former parliamentary secretary ceased to hold office, made representations in respect of the contract or benefit, or

(c) award or approve a contract with, or grant a benefit to, a person on whose behalf a former member of the Executive Council or former parliamentary secretary has, during the 24 months after the date when the former member of the Executive Council or former parliamentary secretary ceased to hold office, made representations in respect of the contract or benefit.

(2) Subsection (1) (a) and (b) does not apply to contracts or benefits in respect of further duties in the service of the government.

(3) Subsection (1) does not apply if the conditions on which the contract or benefit is awarded, approved or granted are the same for all persons similarly entitled.

(4) A former member of the Executive Council or former parliamentary secretary must not, unless 24 months have expired after the date when he or she ceased to hold office,

(a) accept a contract or benefit that is awarded, approved or granted by the Executive Council, a member of the Executive Council or an employee of a ministry other than an employee of an agency, board or commission,

(b) make representations on his or her own behalf with respect to such a contract or benefit, and

(c) make representations on another person's behalf with respect to such a contract or benefit.

(5) Subsection (4) (a) and (b) does not apply to contracts or benefits in respect of further duties in the service of the government.

(6) Subsection (4) does not apply if the conditions on which the contract or benefit is awarded, approved or granted are the same for all persons similarly entitled.

(7) A former member of the Executive Council or a former parliamentary secretary must not make representations to the government in relation to any specific ongoing transaction or negotiation to which the government is a party and in which the former member of the Executive Council or former parliamentary secretary was directly involved if the representation would result in the conferring of a benefit not for general application.

(8) A person who contravenes subsection (4) or (7) commits an offence and is liable, on conviction, to a fine of not more than $5 000.

Carrying on business

9 (1) A member of the Executive Council must not

(a) engage in employment or in the practice of a profession,

(b) carry on a business, or

(c) hold an office or directorship other than in a social club, religious organization or political party

if any of these activities are likely to conflict with the member's public duties.

(2) A person who becomes a member of the Executive Council must comply with subsection (1) within 60 days of being appointed.

(3) The commissioner may extend the period referred to in subsection (2) by giving the member a written notice to that effect, and may impose on the extension conditions that the commissioner considers just.

(4) If a member of the Executive Council complies with subsection (1) (b) by entrusting his or her business to one or more trustees,

(a) the provisions of the trust must be approved by the commissioner,

(b) the trustees must be persons who are at arm's length with the member and approved by the commissioner,

(c) the trustees must not consult with the member with respect to managing the trust property, and

(d) within 60 days after the formation of the trust, and after that annually, the trustees must provide the commissioner with a confidential report, in a form acceptable to the commissioner, disclosing the assets, liabilities and financial interests contained in the trust.

(5) For the purposes of this section, the management of routine personal financial interests does not constitute carrying on a business.

Procedure on conflict of interest

10 (1) A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the Legislative Assembly or the Executive Council, or a committee of either of them, must, if present at a meeting considering the matter,

(a) disclose the general nature of the conflict of interest, and

(b) withdraw from the meeting without voting or participating in the consideration of the matter.

(2) If a member has complied with subsection (1), the Clerk of the Legislative Assembly or secretary of the meeting must record

(a) the disclosure,

(b) the general nature of the conflict of interest disclosed, and

(c) the withdrawal of the member from the meeting.

(3) The Clerk of the Legislative Assembly or secretary of the meeting must file the information recorded under subsection (2) with the commissioner,

(a) in the case of a meeting of the Legislative Assembly or a committee of the Legislative Assembly, as soon as practicable, and

(b) in the case of a meeting of the Executive Council or a committee of the Executive Council, as soon as practicable after the Executive Council's decision on the matter which has been the subject of the disclosure is made public.

(4) The commissioner must keep all information filed under subsection (3) in a central record kept for that purpose and must

(a) make the central record available for inspection by any person without charge during normal business hours, and

(b) on request by any person provide a copy of the record or portion of it on payment of a reasonable copying charge.

Performance of responsibilities by minister

11 (1) If, during the exercise of any official power or the performance of any official duty or function by a member of the Executive Council, a matter arises with respect to which the member has a conflict of interest or apparent conflict of interest, the member must

(a) refrain at all times from attempting to influence the matter, and

(b) at any subsequent meeting of the Executive Council or a committee of the Executive Council at which the matter is considered, disclose the general nature of the private interest and withdraw from the meeting without voting or participating in the discussion.

(2) The Lieutenant Governor in Council may appoint a member of the Executive Council to act in the place of a member referred to in subsection (1) for any matter with respect to which the member referred to in subsection (1) has a conflict of interest or apparent conflict of interest.

Voidability of transaction or procedure

12 The failure of any member to comply with section 10 does not of itself invalidate

(a) any contract or other financial transaction, or

(b) any procedure undertaken by the government with respect to a contract or other financial transaction

to which the failure to comply with section 10 relates, but the transaction or procedure is voidable at the instance of the government before the expiration of 2 years from the date of the decision authorizing the transaction, except as against any person who or organization that acted in good faith and without actual notice of the failure to comply with section 10.

Application for restitution

13 Despite anything in this Act, if any person, whether or not the person is or was a member, has realized financial gain in any transaction to which a violation of this Act relates, any other person affected by the financial gain, including the government or a government agency, may apply to the Supreme Court for an order of restitution against the person who has realized the financial gain.

Commissioner

14 (1) There must be appointed a commissioner who is an officer of the Legislative Assembly.

(2) On the motion of the Premier in the Legislative Assembly and on the recommendation of 2/3 of the members present, the Lieutenant Governor in Council must appoint the person so recommended to the office of commissioner.

(3) The commissioner holds office for a term of 5 years and may be reappointed for a further term or terms.

(4) The commissioner may be removed or suspended before the end of the term of office by the Lieutenant Governor in Council for cause on the recommendation of the Legislative Assembly.

(5) The commissioner must be paid compensation as may be set by the Lieutenant Governor in Council.

(6) If

(a) the commissioner is removed or suspended or the office of the commissioner becomes vacant when the Legislature is sitting but no recommendation under this Act is made by the Legislative Assembly before the end of that session, or

(b) the commissioner is suspended or the office of the commissioner is or becomes vacant when the Legislature is not sitting,

the Lieutenant Governor in Council may appoint an acting commissioner.

(7) The appointment of an acting commissioner under this section terminates

(a) on the appointment of a new commissioner under subsection (2),

(b) at the end of the period of suspension of the commissioner, or

(c) immediately after the expiry of 20 sitting days after the day on which he or she was appointed,

whichever the case may be and whichever occurs first.

(8) The commissioner may employ or retain persons that the commissioner considers necessary and may

(a) specify their duties and responsibilities, and

(b) establish their remuneration and other terms and conditions of employment, or retainer.

(9) The *Labour Relations Code* and the *Public Service Labour Relations Act* do not apply to a person employed or retained under subsection (8).

(10) [Repealed 1999-44-85.]

Annual report

15 The commissioner must report annually on the affairs of his or her office to the Speaker of the Legislative Assembly who must cause the report to be laid before the Legislative Assembly.

Disclosure statement

16 (1) Every member must, within 60 days of being elected, and after that annually, file with the commissioner a confidential disclosure statement in the form prescribed by the regulations.

(2) Subject to subsection (2.1), the disclosure statement must contain

(a) a statement of the nature of the assets, liabilities and financial interests of the member, the member's spouse and minor children, and private corporations controlled by any of them, and

(b) any other information that is prescribed by the regulations to be contained in the disclosure statement.

(2.1) The disclosure statement of a member of the Executive Council who has complied with section 9 (1) (b) by entrusting his or her business to one or more trustees need not contain a statement of the nature of the assets, liabilities and financial interests contained in the trust.

(3) After filing a disclosure statement, the member, and the member's spouse if the spouse is available, must meet with the commissioner to ensure that adequate disclosure has been made and to obtain advice from the commissioner on the member's obligations under this Act, and the

commissioner may recommend the manner by which the member will comply with those obligations.

(4) If any asset, liability or financial interest described in the disclosure statement relates to a corporation, the commissioner must ascertain whether any other corporation is an affiliate of the first named corporation, as determined under section 2 (1) to (4) of the *Business Corporations Act*.

(5) If the commissioner determines that there is an affiliate of the first named corporation, he or she must

(a) advise the member of the fact, in writing, and

(b) mention the fact in the public disclosure statement prepared under section 17.

(6) After filing a disclosure statement, the member must continue to disclose any material change in the assets, liabilities and financial interests of the member, the member's spouse and minor children and private corporations controlled by any of them by filing a statement of material change with the commissioner within 30 days of the material change.

(7) In subsection (6), **"material change"** means a material change as defined in the regulations.

Public disclosure statement

17 (1) After meeting with the member, and with the member's spouse if the spouse is available, the commissioner must prepare a public disclosure statement containing all relevant information provided by the member, and by the member's spouse if the spouse met with the commissioner, in respect of the member, the spouse and minor children, except

(a) the municipal address or legal description of land that is primarily for the residential or recreational use of the member or the member's spouse or minor children, and

(b) personal property used for transportation or for household, educational, recreational, social or aesthetic purposes.

(2) The public disclosure statement must contain a statement of any gifts or benefits that have been disclosed to the commissioner under section 7 (3).

(3) The commissioner must, as soon as is practicable, file the public disclosure statement with the Clerk of the Legislative Assembly who must

(a) make the statement available to any person for inspection without charge and during normal business hours, and

(b) provide a copy of the statement on payment of a reasonable copying charge.

Commissioner's opinions and recommendations

18 (1) A member may request, by application in writing, that the commissioner give an opinion or recommendation on any matter respecting the obligations of the member under this Act or under section 25 of the *Constitution Act*.

(2) The commissioner may make such inquiries as the commissioner considers appropriate and provide the member with a written opinion and recommendations.

(3) If the commissioner is of the opinion that a member has or may have a conflict of interest, the commissioner may, in the recommendations, specify the time by which the member must resolve the matter.

(4) The opinion and recommendations of the commissioner are confidential, but may be released by the member or with the consent of the member in writing.

(5) If the commissioner determines that a member has not contravened this Act, that determination is final for all purposes of the Act and any proceeding under the Act, so long as the facts presented by the member to the commissioner under subsection (1) were accurate and complete.

Commissioner's opinion on referred question

19 (1) A member who has reasonable and probable grounds to believe that another member is in contravention of this Act or of section 25 of the *Constitution Act* may, by application in writing setting out the grounds for

the belief and the nature of the contravention alleged, request that the commissioner give an opinion respecting the compliance of the other member with the provisions of this Act.

(2) A member of the public who has reasonable and probable grounds to believe that there has been a contravention of this Act or of section 25 of the *Constitution Act* may, by application in writing setting out the grounds for the belief and the nature of the contravention alleged, request that the commissioner give an opinion respecting the alleged contravention.

(3) The Executive Council may request that the commissioner give an opinion on any matter respecting the compliance of a member of the Executive Council or a parliamentary secretary with the provisions of this Act or of section 25 of the *Constitution Act*.

(4) The Legislative Assembly may request that the commissioner give an opinion on any matter respecting the compliance of a member with the provisions of this Act or of section 25 of the *Constitution Act*.

Special assignments

20 At the request of the Lieutenant Governor in Council or the Legislative Assembly, the commissioner may undertake special assignments that he or she considers appropriate.

Inquiry

21 (1) On receiving a request under section 19, and on giving the member concerned reasonable notice, the commissioner may conduct an inquiry.

(2) For the purposes of preparing an opinion under section 19 or conducting a special assignment under section 20, the commissioner may order a person to do either or both of the following:

(a) attend, in person or by electronic means, before the commissioner to give evidence on oath or affirmation or in any other manner;

(b) produce for the commissioner a record or thing in the person's possession or control.

(2.1) An order under subsection (2) must be in the form of a summons, served on the person by personal delivery or registered mail to the person's last known address.

(3) If the request for an opinion is made under section 19 (1), the commissioner must report his or her opinion to the Speaker of the Legislative Assembly who must cause the report to be laid before the Legislative Assembly if it is in session or, if not in session, to the Clerk of the Legislative Assembly who must send a copy of it to all members of the Legislative Assembly.

(4) If it appears to the commissioner that the report may adversely affect the member, the commissioner must inform the member of the particulars and give the member the opportunity to make representations, either orally or in writing, at the discretion of the commissioner, before the commissioner finalizes the report.

(5) If the commissioner is of the opinion that the member making the application under section 19 (1) had no reasonable and probable grounds for making it, the commissioner may state that in his or her report, and if he or she does so, the commissioner must report the matter to the Speaker who must lay the report before the Legislative Assembly and the Legislative Assembly may, after considering the matter, hold the member in contempt of the Legislative Assembly.

(6) If the request for an opinion is made under section 19 (3), the commissioner must report his or her opinion to the Secretary of the Executive Council.

Power to enforce summons and punish for contempt

21.1(1) The commissioner may make an order finding a person to be in contempt, and may impose a fine on or commit the person for contempt, if the person has been served with a summons under section 21 and fails or refuses to do any of the following:

(a) attend before the commissioner;

(b) take an oath or make an affirmation;

(c) answer questions;

(d) produce records or things in the person's possession or control.

(2) The commissioner may call on the assistance of any peace officer to enforce an order made under this section, and, if called on, the peace officer may take any action that is necessary to enforce the order and may use such force as is reasonably required for that purpose.

Penalties

22 (1) If the commissioner finds

(a) after an inquiry under section 21 that a member has contravened section 3, 4, 5, 7, 8, 9 or 10 (1), or

(b) that a member has refused to file a disclosure statement within the time provided by section 16 or that a member has failed to comply with a recommendation of the commissioner under section 16 (3) or 19,

the commissioner may recommend, in a report that is laid before the Legislative Assembly

(c) that the member be reprimanded,

(d) that the member be suspended for a period specified in the report,

(e) that the member be fined an amount not exceeding $5 000, or

(f) that the member's seat be declared vacant until an election is held in the member's electoral district.

(2) The Legislative Assembly must consider the commissioner's report and respond to it as subsection (3) provides

(a) within 30 days after it is laid before the Legislative Assembly, or

(b) within 30 days after the next session begins if the Legislative Assembly is not in session.

(3) The Legislative Assembly may order the imposition of the recommendation of the commissioner under subsection (1) or may reject the recommendation, but the Legislative Assembly must not further

inquire into the contravention or impose a punishment other than the one recommended by the commissioner.

Protection of commissioner

23 No action of any kind lies against the commissioner for anything he or she does under this Act.

Appropriation

24 Money required for the operation of the office of the commissioner may be paid out of the consolidated revenue fund.

Offence Act

25 Section 5 of the *Offence Act* does not apply to this Act.

Power to make regulations

26 Subject to the approval of the Lieutenant Governor in Council, the commissioner may make regulations prescribing any matter that is contemplated in this Act to be prescribed by regulations.

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APPENDIX B

Excerpt from the Report of the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills, March 2013

Summary of Recommendations to amend the *Members' Conflict of Interest Act*

Summary of Recommendations

The Committee recommends to the Legislative Assembly that the provincial government implement the following recommendations for legislative amendments to the *Members' Conflict of Interest Act* (the Act):

Part 1 – Scope of the Act

1. Add a section setting out broad obligations of Members similar to section 75 of the Northwest Territories' *Legislative Assembly and Executive Council Act.*

2. Require Deputy Ministers, Assistant Deputy Ministers, Associate Deputy Ministers, Ministerial Assistants, and any other members of a Minister's staff who have routine access to cabinet documents and other sensitive ministry information to file annually, and upon leaving the public service, a signed statement with the Commissioner affirming that they have reviewed the Oath of Employment and the Standards of Conduct and agree to be bound by them.

3. Empower the Commissioner to receive complaints, conduct investigations, and impose sanctions for breaches of the Oath of Employment and/or Standards of Conduct involving such persons.

4. Continue the post-employment restriction for a former parliamentary secretary but limit the restriction period to 6 months and to matters that were the focus of the parliamentary secretary's specific responsibilities.

5. Amend section 8 to clarify that "ceased to hold office" refers to holding office as a member of the Executive Council or as a parliamentary secretary.

Part 2 – General Matters

6. Include a prohibition against a Member improperly furthering the private interest of another person or entity.

7. Add a prohibition against a Member using and communicating insider information to improperly further the private interest of another person or entity.

8. Include a prohibition against a Member using his or her office to influence or attempt to influence a decision to improperly further the private interest of another person or entity.

9. Include a prohibition against a Member attempting to influence a matter that is the subject of a conflict of interest.

10. Add a requirement for a Member facing a conflict or potential conflict-of-interest situation to make a disclosure to the Clerk of the Legislative Assembly in the case of proceedings in the House or in a Parliamentary Committee, or to the recording secretary in the case of Executive Council or a Cabinet Committee.

11. Add a definition of a "gift or personal benefit"; include family members in the prohibition if the intention of the gift or benefits was to influence the Member; and adopt a 30-day time frame for disclosing receipts of gifts and benefits.

12. Stipulate that activities required in order for a member of Executive Council to maintain his or her professional qualifications do not constitute "carrying on a business".

Part 3 – Disclosure Matters

13. Provide the Commissioner with clear discretion to exclude certain assets, liabilities, or financial interests (e.g. assets/liabilities under a certain threshold) from disclosure obligations.

14. Allow the Commissioner to direct the manner of disclosure to allow for mandatory electronic filing.

15. Require all Members leaving office to submit an end-of-term declaration or "exit" disclosure statement to the Commissioner, including Members who are defeated or are not seeking re-election in an election or by-election, as well as Members who resign or are recalled from office before their term is over.

16. Require public disclosure statements to be posted online.

Part 4 – Investigation and Inquiry Matters

17. Include an option for the Commissioner to conduct a preliminary review or investigation before proceeding to the inquiry stage.

18. Stipulate that information brought to the Commissioner's office must remain confidential, and clarify the relationship between the Act and the *Freedom of Information and Protection of Privacy Act*.

19. Clarify how, and under what conditions, opinions provided to members of the public will be released.

20. Require the suspension of an investigation or inquiry in the event that the same matter is the subject of a criminal or other investigation.

21. Increase the maximum fine the Commissioner can recommend from $5,000 to $10,000.

22. Replace the word "election" with "election or by-election" in section 22(1)(f).

23. Expand the scope of protection to former Commissioners, current and former employees, and those who provide information to the Commissioner.

24. Stipulate that the Commissioner is not a compellable witness in civil proceedings.

25. Allow the Commissioner to recommend that a person who was the subject of an investigation or inquiry under the Act be reimbursed in an amount approved by the Commissioner for his or her legal costs in respect of such investigation or inquiry.

26. Allow the Commissioner to continue an investigation or inquiry after a Member ceases to hold office, and to commence an investigation or inquiry involving a former Member within one year of the person ceasing to hold office.

Part 5 – Miscellaneous

27. Replace the definition of "child" with a definition of "dependent child".

28. Revise the existing definitions of "private corporation" and "private interest".

29. Require the appointment and reappointment of the Commissioner to be based on the unanimous recommendation of an all-party parliamentary committee.

30. Require a resolution passed by two-thirds of the Members present in the Legislative Assembly to suspend or remove the Commissioner.

31. Allow for the appointment of an *ad hoc* commissioner by the Chief Judge of the Province of British Columbia in the event that the existing Commissioner is in a conflict.

32. Remove references to section 25 of the *Constitution Act* and instead include provisions setting out the restrictions on Members' contracts with the government.

33. Require a mandatory review of the Act every seven years.

34. Include a provision that sets out the retention and destruction periods for documents related to Members.